

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESEE**

September 21, 2001

IN RE:)	
)	
PETITION OF MCI WORLDCOM, INC.)	DOCKET NO. 99-00662
TO ENFORCE INTERCONNECTION)	
AGREEMENT WITH BELL SOUTH)	
TELECOMMUNICATIONS, INC.)	

**ORDER ADDRESSING MOTION FOR BRIEF EXTENSION AND
JOINT MOTION AND RESETTING HEARING**

This matter came before the Hearing Officer on the Joint Motion of BellSouth Telecommunications, Inc. and MCImetro Access Transmission Services, Inc. for Change in Schedule filed by the parties on September 19, 2001.

On August 17, 2001, MCI WorldCom filed a Motion for Sanctions in this matter, alleging that BellSouth has failed to pay MCI WorldCom as ordered by the Authority in the Initial Order of the Hearing Officer issued on June 15, 2001. At the regularly scheduled Authority Conference held on September 11, 2001, the Authority established a procedural schedule for the purpose of considering MCI WorldCom's Motion for Sanctions. This schedule, which was memorialized in the Authority's Notice of Procedural Schedule and Hearing issued on September 11, 2001, set this matter for a hearing before the Hearing Officer on September 25, 2001, following the Authority Conference scheduled to begin at 9:00 a.m. on that date.

On September 14, 2001, BellSouth filed a Motion for Brief Extension of Hearing Schedule. In its Motion, BellSouth requested that the hearing be postponed due to conflict with a hearing before the Florida Public Service Commission scheduled to begin at 9:00 a.m. on September 26, 2001 in Tallahassee, Florida. A scheduling order from the Florida Public Service Commission, submitted with BellSouth's Motion, shows that the Florida hearing is scheduled for

September 26 through 28, 2001. BellSouth stated that the witness who will testify on its behalf at the hearing in this matter is also needed in the Florida hearing. BellSouth's Motion is based on its concern that this witness may be unable to arrive in time for the Florida hearing if the witness is involved in a hearing in Nashville that runs late the day before. BellSouth stated that its witness will be available to testify before the Authority between October 1 and 5, 2001, and proposed that the hearing on MCI WorldCom's Motion for Sanctions be held during that period. BellSouth also stated that MCI WorldCom stated that it had no objection to BellSouth's request to move the hearing date to the week of October 1 through 5, 2001.

On September 19, 2001, the Hearing Officer and counsel for the parties discussed the request for continuing the hearing date.¹ Counsel for MCI WorldCom informed the Hearing Officer that MCI WorldCom's own witness would not be available to testify during the first week in October, but could be available for a hearing as early as October 12, 2001.

Because of the parties' multiple conflicts with proposed hearing dates, the Hearing Officer directed the parties to file a joint motion proposing a hearing date and setting forth reasons for moving the hearing from September 25, 2001 to the date they proposed. The Hearing Officer stated that the parties should propose a date as close to October 12, 2001 as possible. The parties' Joint Motion, filed on September 19, 2001, proposes that the hearing be held on October 17, 2001, over three weeks after the date originally set by the Authority. The Joint Motion refers to BellSouth's problem regarding its witness but offers no explanation regarding MCI WorldCom's reason for wanting to postpone the hearing other than the statement that MCI WorldCom's witness will be unavailable during the week of October 1, 2001.

In light of the current uncertainty regarding long-distance travel, BellSouth's request to

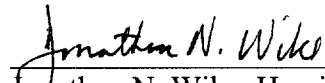
¹ This discussion took place following a Pre-Hearing Conference in another proceeding, *Petition of MCI WorldCom Communications, Inc. to Enforce Interconnection with BellSouth Telecommunications, Inc.*, Docket No. 01-00513.

postpone the hearing from September 25, 2001 to a date in early October is reasonable. BellSouth has supported its request with documentation from the Florida proceeding. Nevertheless, BellSouth's witness should be expected to be able to testify at the TRA immediately upon his return from Florida.


MCI WorldCom apparently wants to postpone the hearing even further than previously stated to the Hearing Officer without offering any grounds for doing so. Since the Initial Order was issued, MCI has pressed for immediate resolution of payment issues. The Authority has articulated its position that the remaining issues in this matter should be resolved as quickly as possible. The Hearing Officer appreciates and shares this sense of urgency. Having requested that this stage of the case proceed on an expedited basis, MCI WorldCom should not expect to further delay the hearing in this matter without offering sufficient reason.

IT IS THEREFORE ORDERED THAT:

1. BellSouth's September 14, 2001 Motion and the September 19, 2001 Joint Motion filed by BellSouth and MCI WorldCom are hereby granted, with the exception of the hearing dates proposed therein.
2. The hearing will be held on MCI WorldCom's Motion for Sanctions on **Friday, October 12, 2001 at 9:00 a.m.** A Notice of Hearing will follow.


Jonathan N. Wike, Hearing Officer

ATTEST:


K. David Waddell, Executive Secretary